

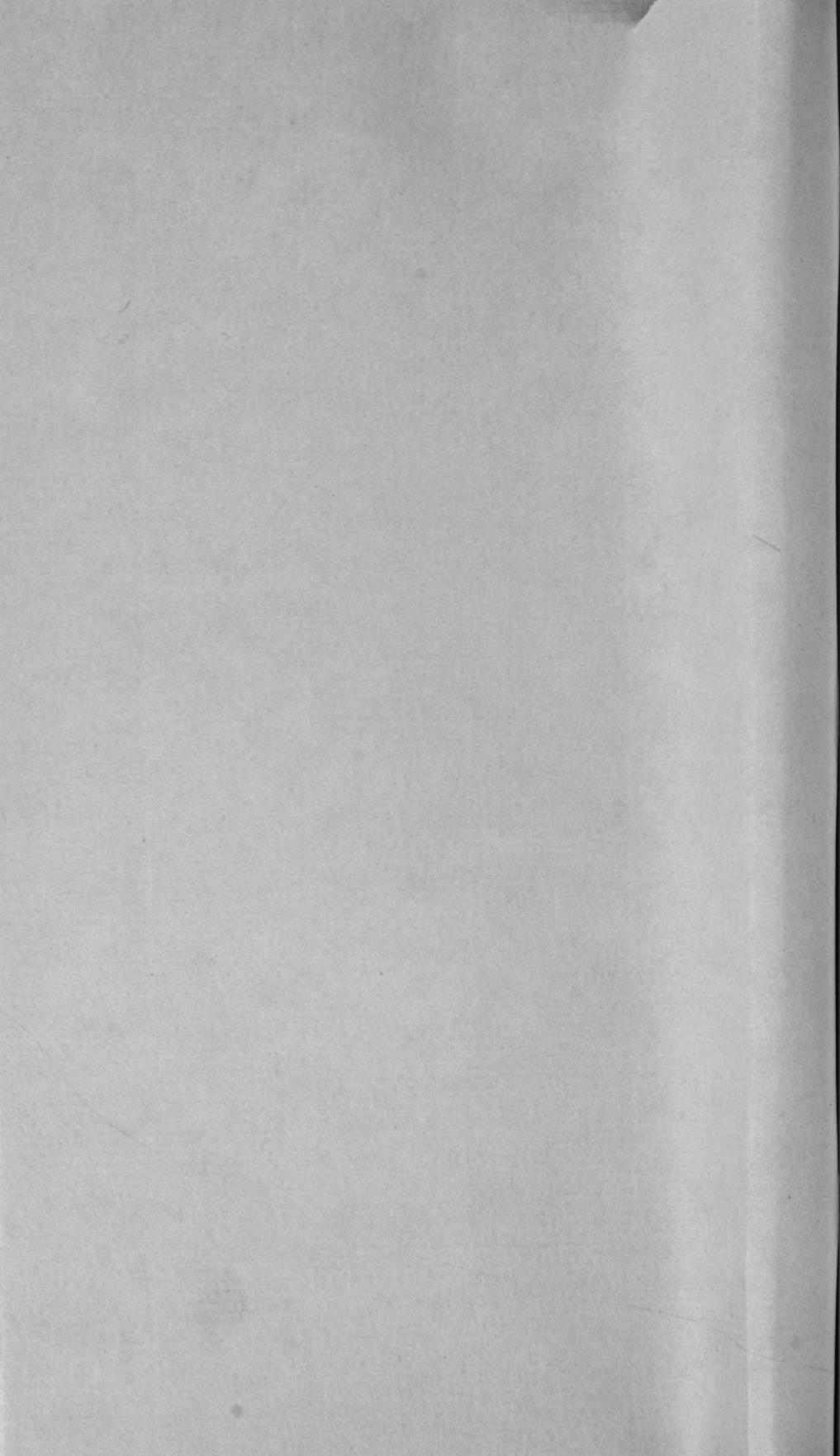
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# LIEBER AND SCHURZ

TWO LOYAL AMERICANS OF  
GERMAN BIRTH



By  
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ISSUED BY  
THE COMMITTEE ON PUBLIC INFORMATION  
WASHINGTON, D. C.

### EXECUTIVE ORDER

I hereby create a Committee on Public Information, to be composed of the Secretary of State, the Secretary of War, the Secretary of the Navy, and a civilian who shall be charged with the executive direction of the committee.

As civilian chairman of the committee I appoint Mr. George Creel.

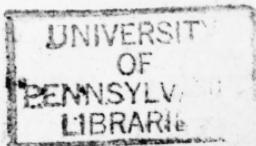
The Secretary of State, the Secretary of War, and the Secretary of the Navy are authorized each to detail an officer or officers to the work of the committee.

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## Lieber and Schurz

### TWO LOYAL AMERICANS OF GERMAN BIRTH

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**F**RANCIS LIEBER and Carl Schurz were perhaps the most notable of all those who in the middle of the nineteenth century gave up their status as German subjects to become citizens of the American Republic. Both were outstanding men by virtue of their intellectual distinction, their marked achievements in scholarship or in politics, and their success in meeting the highest standards of American citizenship. What did these men think about the dominant ideals of the society which they left behind them? What was their attitude towards the characteristic institutions and ideals of America?

These questions are particularly well worth asking at the present time when an insidious propaganda has long been at work upon our fellow-Americans of German descent, in the hope of detaching them from their allegiance to their adopted country. In the majority of cases this propaganda has happily proved unsuccessful; but the fact that conspicuous "German-American" organizations have lent themselves to the sinister designs of the Prussian oligarchy has created in the minds of many people an attitude of quite indiscriminate distrust and ill-will toward the German-born population. This is not only unjust but also harmful from the point of view of American patriotism. The assimilation of all alien elements is essential to the maintenance of an American nation. It is highly desirable, therefore, to discriminate between the loyal and the disloyal Americans of German descent. This great body of the loyal are our fellow citizens. Wisdom, patriotism, and justice demand that we cherish and increase their sense of interest in the com-

mon American heritage of national achievements and ideals. For the sake of this common heritage it is well worth while to recall the careers of these two distinguished German Americans for whom America did so much, who themselves did much for America.

In both Lieber and Schurz the determining motive for emigration was discontent with the existing political order in Germany. Lieber, who as a boy of fifteen fought under Blücher at Waterloo, shared in the intense disappointment felt by so many generous-hearted young Germans when they found that the Hohenzollern and Hapsburg dynasties were no less enemies of liberty than the military despotism which they had helped to overthrow. While a student he was closely watched and was twice imprisoned on suspicion of revolutionary designs. At one time, his ardent spirit found an outlet through enlistment in the Greek army; and, though he came back in a somewhat more conservative spirit, he soon discovered that his early conflicts with the German authorities left him little prospect of a successful career in his chosen profession. So in 1827, when the reactionary régime of Metternich seemed to be hopelessly fastened upon his native Germany, Lieber crossed the Atlantic and became a citizen of the young American republic.<sup>1</sup>

In 1844, having received a pardon from Frederick William IV, he revisited Berlin and was offered a temporary appointment in the Prussian service, with some prospect of a more permanent position. The terms were unsatisfactory, but that was not the only difficulty; as he wrote to his wife, a professorship in Prussia would involve a "constant inner contest. . . . The whole present tendency of Prussia is a most melancholy one. It is at war with everything noble in our time, and must therefore become worse and worse."<sup>2</sup>

Several years after his arrival in this country, while a professor in a South Carolina College, he put on record in a letter to Charles Sumner this highly unflattering picture of the Prussian *Kultur* which he had left behind him:

"You go now to Germany and will see Prussia. Study it well. It is a country such as never existed in history and never will again, because it combines, in the most interesting manner,

<sup>1</sup>Perry, *Life and Letters of Francis Lieber*, chs. i-iv.

<sup>2</sup>*Ibid.* 188, 189.

enlightenment with monarchical absolutism; and thus effects have been produced which only could be the consequence of so curious a combination,—effects, some of which other nations, who mean to do right, ought to receive without exposing themselves to the same process by which they were obtained, just as we are bound in gratitude to God to study the antique, without believing in polytheism, which nevertheless produced Grecian perfection. You will see whether I said the truth, when, long ago, I asserted that Prussia was a refined, sublimated, perfected, spiritualized China. The same principles, the same religious esteem of letters, the same *church* of mandarins and anxiety to belong to it, the same peacock-feather distinction and universal love of it, the same exact gradation of titles, the same fatherly meddling principle in the paternal government, the same exact regulation of everything; but then Prussia is European, and China, Asiatic. Prussia belongs to the active, *nervous* part of the white race which moves on; the Chinese look back. Prussia forms part and parcel of a stirring political family,—that of Europeans; China insulates herself. This would not be palatable to many, yet I believe it to be true. If I am mistaken, it is strange that every further observation has more confirmed me, and I wrote this remark down more than twelve years ago; and it had occurred to my mind some years before that. . . .<sup>3</sup>

But China has changed. It is today a republic; and although the Prussian Government of 1918 has unquestionably been forced to make many formal concessions to the forms of constitutional liberty and is an infinitely more efficient machine than it was in Lieber's youth, yet in its modern aspects the spirit of the old Prussian oligarchy may still be recognized. The spirit in which this new American gave up his old allegiance is briefly and eloquently summed up in his own words: "I am," he said, "an American by choice; others are so by chance. I came here because persecuted for liberty."<sup>4</sup>

Twenty-one years after Lieber left Germany there came the great Revolution of 1848; once more the German people looked forward with hope to a new era of constitutional liberty. The news reached Lieber in his professor's chair in South Carolina and stirred him deeply—so deeply that he spent the following

<sup>3</sup>Perry, *Life and Letters of Francis Lieber*, 133.

<sup>4</sup>Letter to Dorothea Dix, January 12, 1851. *Ibid.* 248.

summer in Germany, visiting the revolutionary National Assembly at Frankfort and noting with satisfaction the sympathetic interest shown by the revolutionary leaders in our American institutions.<sup>5</sup> He realized the imperfections of the proposed new German federal constitution of 1848, but he valued it because it embodied the "leading idea of one Germany and of the sovereign people"—precisely that feature of it which led to its rejection by the King of Prussia.<sup>6</sup> By the time Lieber returned to America, the Prussian and Austrian reactionaries were again in the saddle and the dream of a free Germany faded away before his eyes. The ardent hopes of his youth had revived in middle life only to end once more in painful disillusion.

The spirit of reaction which sent Lieber across the seas in the twenties was similarly responsible for the emigration of the "Forty-eighters" during the decade which followed this memorable "earthquake year."

The Frankfort assembly of 1848 tried to organize a constitutional federal monarchy with the King of Prussia at its head; but Frederick William IV was too strongly wedded to the old Hohenzollern tradition of divine right. For this "romanticist upon the throne," an authority founded on the people or their representatives was quite impossible; the only title he was willing to recognize as valid was one conferred by his fellow-princes, like himself divinely ordained. So the movement for a free national German Constitution failed utterly; and in Prussia the comparatively liberal Constitution of 1848 was changed in 1850 into the system, still in force, by which the outward forms of representation serve only to mask an essentially unrepresentative government.

Popular dissatisfaction with these results led to abortive military uprisings in various parts of Germany, which were ruthlessly suppressed by the Prussian and Austrian armies. Some of the insurgent leaders were executed or imprisoned; others, more fortunate, found a refuge in England, then the great European asylum for political exiles, or more often in the United States. Among the latter were Friedrich Hecker and Franz Sigel, both of whom with many others of their kind served their adopted country as officers in the Union Army. With such

<sup>5</sup>Perry, *Life and Letters of Francis Lieber*, 213-227.  
<sup>6</sup>*Ibid.*, 220.

leaders as these there came a large number of generous, high-spirited young men, of whom Carl Schurz is perhaps the most conspicuous example.

When the German Revolution of 1848 broke out Carl Schurz was a student at the University of Bonn. He was carried away by the enthusiasm of the hour, and later, when the constitutional movement failed, he joined the insurgent radicals who had taken up arms in South Germany. He and his friends were fighting, as he said many years later, "for German unity and a free government and were defeated mainly by Prussian bayonets."<sup>7</sup> After the collapse of the insurgent army, Schurz made his way across the frontier into Switzerland and France, only to come back again in a daring and finally successful attempt to release one of his friends from a Prussian prison. Then after a few months of exile in France and England, he visited the United States and determined to become an American citizen.<sup>8</sup>

These men, then, and thousands like them, emigrated to America as rebels against a system of thought for which the Hohenzollerns and their *Junker* supporters stood in 1848, and for which, with all their concessions to modern thought, their successors still stand in the twentieth century; for there can be no doubt that in the fundamental article of his political creed—the conviction that sovereignty belongs by divine right to the monarch and not to the people—the present Kaiser and King of Prussia is in absolute agreement with his predecessors.<sup>9</sup>

From the old home where liberalism seemed to be hopelessly defeated and reaction everywhere triumphant, these nineteenth century exiles turned with new hope to the republic across the sea. On his way to America Lieber wrote a striking letter explaining his expectations about America. "I know," he said, "that it will not be a paradise. I believe that the customs and influences of the Middle Ages were required for the development of the race then, but now new and greater ideas are dawning which Europe is too petrified and ossified to accept or adopt. Is it not enough that she had the benefit of the unfolding of all knowledge that was produced at that time? These new ideas will find their soil in America and many have already taken root. There never has existed, to my knowledge, a government that

<sup>7</sup>Schurz, *Reminiscences*, I, 405.

<sup>8</sup>Ibid., I, *passim*.

<sup>9</sup>See for illustrations Gauss, *The German Emperor as Seen in his Public Utterances*.

has been formed so entirely for the good of the people." "Republics may have their faults. For a particular epoch and people one form of government may be better than another, but in my opinion a republic is superior to all."<sup>10</sup>

Lieber celebrated his first Fourth of July in Boston and was much impressed by the exercises of the day and the political ideals to which they gave expression. "How is it," he asked, "that the Europeans pride themselves on their historical development? Let them come here, and they will find far more of real living history than on the old Continent, where institutions are changed at the arbitrary will of some powerful monarch or his ambitious minister. *The law reigns here.*"<sup>11</sup> Every citizen honors it as his birthright. He knows that it is necessary and abides by its mandates." When in the course of the festivities at the State House, the governor called on Lieber for a toast, he responded with the sentiment: "Liberty to all the civilized world."<sup>12</sup>

Schurz who, like Lieber, was still under thirty when he came to the United States, expressed in similar terms the ardent faith with which he and his liberal contemporaries looked across the sea to America. Seeing the German people "crushed down again, not only by overwhelming armies, but by the iron weight of customs and institutions, and notions, and prejudices, which past centuries had heaped upon her shoulders, and which a moment of enthusiasm, however sublime, could not destroy—then I consoled an almost despondent heart with the idea of a youthful people and original institutions, clearing the way for an untrammelled development of the ideal nature of man. Then I turned my eyes instinctively across the Atlantic Ocean, and America, and Americanism, as I fancied it, became to me the last depository of the hopes of all true friends of Humanity."<sup>13</sup>

Both these ardent young idealists naturally suffered a certain shock when confronted with some of the inconsistencies of American democracy. Both men were deeply depressed by the persistence of slavery and the indifference to it of many who prided themselves on their thorough-going loyalty to the principles of 1776. Lieber, although he served for over twenty years

<sup>10</sup>Perry, *Lieber*, 70.

<sup>11</sup>Italicized by the writer of this pamphlet.

<sup>12</sup>Perry, *Lieber*, 71-76.

<sup>13</sup>Address delivered before the Archean Society of Beloit College (Beloit, 1858), p. 7. Also in speech at Faneuil Hall, Boston, April, 1859; see his *Speeches, Correspondence, and Political Papers*, I, 50.

as a professor in South Carolina College, expressed in his letters during this period an intense antipathy to slavery.<sup>14</sup> Similarly Carl Schurz wrote shortly after his arrival in America, "Here is a party that calls itself Democratic and is at the same time the mainstay of the institution of slavery." So the newcomer might well "ask himself hesitatingly, 'Is this, indeed, a free people? is this a real democracy?'"<sup>15</sup>

With certain minds, searching questions of this kind have often ended in disillusionment and futile cynicism. Both Lieber and Schurz, however, were men of thoroughly robust temper, and the difficulties which discouraged others stirred in them the fighting spirit. The young American republic, with all its imperfections and inconsistencies, had still the first claim upon their allegiance. After more than twenty years' experience of men and affairs in the United States, Lieber could still write: "I am an American by choice. . . . My heart has long learned to throb American pulsation, though my lips may still be refractory in wholly naturalizing themselves."<sup>16</sup> In his great work on *Civil Liberty and Self-Government*, first published in 1853, he spoke eloquently of America's ideal rôle among the peoples: "We belong to that nation whose great lot it is to be placed, with the full inheritance of freedom, on the freshest soil in the noblest site between Europe and Asia, a nation young, whose kindred countries, powerful in wealth, armies, and intellect, are old." As the great flow of immigration came in from the old world it would "test to the utmost our institutions," therefore, it was "incumbent upon every American again and again to present to his mind what his own liberty is, how we must guard and maintain it, and why, if he neglects it, he resembles the missionary that should proceed to convert the world without Bible or prayer-book."<sup>17</sup>

With the same courage and the same sturdy common sense, Schurz recognized that self-government was worth the cost of some blunders. "Self-government," he said, "as an administrator is subject to criticism for many failures. But it is impossible to overestimate self-government as an educator." In the same spirit, he declared that his experience in the pioneer communities of the Middle West showed him some things to be regretted but

<sup>14</sup>Perry, *Life and Letters of Francis Lieber*, *passim*, especially 108, 109, 275, 276.

<sup>15</sup>Schurz, *Speeches, Correspondence, and Political Papers*, I, 6.

<sup>16</sup>Perry, *Life and Letters of Francis Lieber*, 248.

<sup>17</sup>Lieber, *Civil Liberty and Self-Government* (edition 1874), p. 21.

"on the whole greatly strengthened" his "faith in the democratic principle." In his *Reminiscences* he recalls the feeling of religious devotion with which he took part in Fourth of July celebrations. "Ideals," he told the young men of Beloit College, in 1858, "are like stars. You will not succeed to touch them with your hands, but like the seafaring man on the desert of waters, you choose them as your guide and follow where they may lead you."<sup>18</sup>

To such men the existence of slavery in the republic seemed not a reason for abandoning faith in democracy but rather a challenge to new effort, that the principles of democracy might be more perfectly realized. Lieber, while still a citizen of South Carolina, frankly avowed his anti-slavery views in a series of carefully written letters to John C. Calhoun. Shortly before the outbreak of the Civil War, he moved to New York, where he became a professor in Columbia College, and presently joined the Republican party, casting his vote for Lincoln in 1860. In opposition to Calhoun's doctrine that the Constitution guaranteed the right of property in slaves, Lieber referred to the fact that the Constitution did not even mention slavery, "blushing at mixing up that name, so repulsive to freedom, with the provisions of an instrument which was to stand as a monument of wise, generous, and ardent freemen for all ages to come."<sup>19</sup>

Schurz came to America just as the slavery controversy was approaching its final chapter. To him also slavery was the "one shrill discord" in American democracy.<sup>20</sup> For him the great attraction of the anti-slavery cause "consisted in its purpose to make the principles proclaimed by that Declaration as true in the universality of practical application as they were true in theory. And there was the realization of the ideal I had brought with me from the luckless struggles for free government in my native land."<sup>21</sup>

Secession and the outbreak of the Civil War left Lieber in no doubt as to his stand, though it brought a painful division in his own family, when his oldest son joined the Confederate army. Eleven years before he had recorded his conviction that "no peaceful separation is possible," and spoke of the peculiar feelings with which he foresaw the possibility of disunion: "No nursery recol-

<sup>18</sup>Schurz, *Address before the Archean Society of Beloit College* (July 13, 1858), p. 38.

<sup>19</sup>Perry, *Life and Letters of Francis Lieber*, 228-237.

<sup>20</sup>Letter to Charlotte Voss, 1852; in his *Speeches, Correspondence, and Political Papers* (1913), p. 5.

<sup>21</sup>Schurz, *Reminiscences*, II, 80.

lections, no boyhood reminiscences, attach me more to one part of this yet greatest Commonwealth than to another. When a man leaves his native country to wed another, he cleaves to the new one, as to a chosen wife, the faster and the truer, and his pride, affection, and jealousy are thrown over the whole, even as his oath bids him be faithful to the whole in its integrity."<sup>22</sup>

When the war began, Lieber was over sixty and military service was of course out of the question. Yet his contribution to the cause of the Union was more important than any which he could have rendered in earlier years on the fighting line. He was a wise counsellor on difficult questions of international and military law, and he will always be remembered as the author of General Order No. 100, *The Instructions for the Government of Armies of the United States in the Field*, drawn up at the request of President Lincoln. The importance of this military order has been recognized abroad as well as in this country. With an entirely frank recognition of the inevitable harshness of war, Lieber's work shows the controlling influence of ethical considerations. The distinguished German publicist, Bluntschli, says of it: "Everywhere reigns in this body of law the spirit of humanity, which spirit recognizes as fellow-beings, with lawful rights, our very enemies, and which forbids our visiting upon them unnecessary injury, cruelty, or destruction."<sup>23</sup> In view of recent practices of the German army, the following articles are of special interest:

No. 16. "Military necessity does not admit of cruelty, that is, the infliction of suffering for the sake of suffering or of revenge, nor of maiming or wounding except in fight, nor of torture to extort confession. *It does not admit of the use of poison in any way nor of the wanton devastation of a district.* It admits of deception, but disclaims acts of perfidy; and in general, military necessity does not include any act which makes the return to peace unnecessarily difficult."

No. 23. "*Private citizens are no longer murdered, enslaved, or carried off to distant parts,* and the inoffensive individual is as little disturbed in his private relations as the commander of the hostile troops can afford to grant in the overruling demands of a vigorous war."

<sup>22</sup>Perry, *Life and Letters of Francis Lieber*, 238.

<sup>23</sup>Bluntschli's introduction to Lieber, in *Miscellaneous Writings*, II, 12.

No. 35. "Classical works of art, libraries, scientific collections, or precious instruments, such as astronomical telescopes, as well as hospitals, must be secured against all avoidable injury, even when they are contained in fortified places whilst besieged and bombarded."<sup>24</sup>

No less important was Lieber's work as one of those who helped to keep public opinion steady in support of the Government, against compromises which would have left the vital issue unsettled.

In a notable speech, he declared that the guarantees to be "asked for and insisted upon by the Union men," must be "*guarantees of peace, of the undisturbed integrity of our country, of law, and liberty, and security.*"<sup>25</sup> He would have no meagre and grudging definition of loyalty: "We take the core and substance of this weighty word, and pledge ourselves that we will loyally—not merely outwardly and formally, according to the letter, but fervently according to the spirit—adhere to our country, to her institutions, to [her?] freedom and her power, and to that great institution called the government of our country, founded by our fathers and loved by their sons, and by all right-minded men who have become citizens of this land by choice and not by birth—who have wedded this country in the maturity of their age as verily their own."<sup>26</sup>

Schurz was only a little over thirty when the war began, but he had thrown himself into the anti-slavery fight with so much ardor that, by 1857, the Republicans of Wisconsin nominated him as their candidate for lieutenant-governor and came within a few votes of electing him. In his first introduction to an American audience he was described as one "who has fought for human liberty in his native country and who has come to us to do the same in his adopted home."<sup>27</sup> He took an active part in the political campaign of 1858, and in 1860 was a conspicuous member of the Republican National Convention, serving on the committee on resolutions. Thus when the war broke out Schurz was in a position to exercise substantial influence. His preference was for immediate service in the army, but the administration

<sup>24</sup>Lieber, *Miscellaneous Writings*, II, 250, 251, 254. It is only fair to note that some of these articles show a certain humanizing of Lieber's thought as compared with the views expressed in his *Political Ethics*, published in 1838. See ed. 1911, II, 452 and note.

<sup>25</sup>Passage italicized by the author of the present pamphlet.

<sup>26</sup>F. Lieber, *No Party Now but All for our Country* (Philadelphia, 1863), especially pp. 2, 5. Lieber was chairman of the publication committee of the Loyal Publication Society.

<sup>27</sup>Schurz, *Reminiscences*, II, 68.

thought that he could be more useful abroad and sent him as Minister to Spain. In this post he was keenly alive to the importance of keeping European liberal opinion on the side of the Union, pointing out that "the sympathies of the liberal masses" were "not as unconditionally in our favor as might be desired," partly because the Federal Government had not yet come out in favor of emancipating the slaves.<sup>28</sup>

After less than a year Schurz left the Spanish mission for more congenial service in the army. His military experience in the German uprising of 1848, slight as it was, gave him certain advantages over most of the civilian candidates for military commissions, and he presently found himself a brigadier-general. For the next three years he did good service in the army, becoming later a division commander. In the army he renewed his associations with some of his fellow-revolutionists of 1848.<sup>29</sup> His corps commander in 1862 was Franz Sigel, who had commanded the last operations of the South German insurgents in 1849; and among those who served under him as colonels was Friedrich Hecker, perhaps the most prominent leader of the republican radicals in the old country.<sup>30</sup>

In the presidential campaign of 1864, when the great issue was whether the supporters of the Union would yield to "war-weariness" or fight their way through to "a just and lasting peace," Schurz was released from his military duties in order that he might speak for Lincoln and the Union Party ticket. Like Lieber, he insisted that peace on the basis of disunion could not be lasting. To European advocates of immediate peace, he put the question:

"Do you not think, after all, that while we are at it, it will be wisest and most economical for us to go through with it? You, who affect such a holy horror of war and bloodshed, do you not think, after all, that it will be a saving of blood and calamity if we persevere in a war of which we can see the end, instead of running into one that will be interminable?" The following passage is especially worth recalling at this time when our enemies in Europe are questioning American idealism:

"Europe does not understand this inexhaustible perseverance,

<sup>28</sup>Despatch to Seward, in Schurz, *Speeches, Correspondence, and Political Papers*, I, 185-19.

<sup>29</sup>Schurz, *Reminiscences*, II, chaps. vi-viii.

<sup>30</sup>Schurz, *For the Great Empire of Liberty*, speech at Concert Hall, Philadelphia, September 16, 1864; printed by the Union Congressional Committee.

this bull-dog tenacity. Europe does not know the American. She looks upon him as a cold, dry, matter-of-fact creature, whose soul is filled to its full capacity with business calculations and the mere cares of everyday life. Europe is mistaken. There is a profound idealism in the soul of the American, which breaks forth in full force only on great occasions. The American *believes* in the great destiny of his country, believes in it with that unchangeable, religious, fanatic faith, to which the greatness of the difficulties to be overcome appears as nothing compared with the greatness of the object to be achieved. This faith lives not only in the heart of the man of thought and far-seeing speculation; it hovers over the plough of the farmer, over the anvil of the mechanic, over the desk of the merchant; it is the very milk with which the American mother nourishes her baby. This faith has put our armies into the field and set our navy afloat. As in France every soldier is said to carry the marshal's baton in his knapsack, the meanest drummer boy in the field carries in his soul the great ideal of his country's destiny. No, this faith knows no failure. . . . Having gone through struggles, the tremendous shocks of which not many states would have been able to endure, this nation now stands there with the inspiring consciousness of mature strength. She did not know before how strong she was, but now she knows; and whatever trials may be in store for her, fear and weakness will have no seat at her council-board.

"This nation will not be false to her great destiny. . . . In the midst of the din and confusion of the conflict there stands the National Will undisturbed, in monumental repose, and gives the quiet command: 'For the Great Empire of Liberty, Forward!'"

When Lieber spoke of having become an American by *choice* and not by *chance*, he indicated precisely the contribution which the best type of immigrant has made and is making to the higher life of his adopted country. For such men, the taking on of American citizenship is not merely the acceptance of certain opportunities for an individual career, however important that may be. It is that, of course, but also something more—something not far removed from the religious idealism which marks the newly made convert. To him the fundamental articles of his faith are not mere formal phrases, conventionally repeated from week to week with little appreciation of their meaning and

value, but rather the expression of genuine personal conviction. For Lieber and Schurz and many of their fellow-exiles the basis of membership in the American commonwealth was no fact of racial unity (in the biological sense), but the common possession of certain institutions and ideals. They were at much pains, therefore, to determine for themselves and to impress on others the essential principles of Americanism as they understood it.

Lieber's political creed found expression partly in his teaching, which covered a period of more than forty years, beginning in the South Carolina College and ending in his professorship at Columbia College, New York; it took more permanent form in a notable series of books, of which the most important are his *Civil Liberty and Self-Government*, and his *Manual of Political Ethics*. A fundamental article in that creed was his faith in the characteristic political principles and practices of the English speaking peoples on both sides of the Atlantic; these he chose to sum up in the term "Anglican Liberty." To him that conception involved a just balance between the guarantees of "a merely individual independence" and those which insured the people as a whole, the nation, "against being driven from the pursuit of its distinctive and legitimate national aims." This reconciliation of free citizenship with the efficient exercise of the national will, of self-reliance with high public spirit, seemed to Lieber the distinctive achievement of England and of his own adopted country. "We call this liberty Anglican freedom," he said, "not because we think that it ought to be restricted to the Anglican race, or will or can be so," but because it had been "evolved first and chiefly by this race."<sup>31</sup> So he was proud to share this spiritual kinship "which carries Anglican principles and liberty over the globe, because, wherever it moves, liberal institutions and a common law full of manly rights and instinct with the principles of our expansive life, accompany it."<sup>32</sup> Finally, Lieber believed that these principles were not only applicable but peculiarly necessary to the peoples of the European continent "who had experienced the evil effects of "absorbing and life-destroying centralization."<sup>33</sup>

Schurz was, of course, primarily a man of affairs rather than a jurist and political philosopher; but his attitude toward the En-

<sup>31</sup>Lieber, *On Civil Liberty and Self-Government* (ed. 1874), 51-55.

<sup>32</sup>*Ibid.*, 21.

<sup>33</sup>"On Anglican and Gallican Liberty," in *Miscellaneous Writings*, II, 388.

glish tradition in American public law was not radically different from that of Lieber. In a striking passage of his *Reminiscences*, he tells how much he was impressed in early life by English political ideals. "How firmly founded appeared to me the free institutions of the people to whom civil liberty was not a mere phrase, a passing whim, or a toy, but a life-principle."<sup>34</sup> His approach to the study of American institutions was, however, somewhat different from that of Lieber. Schurz began his American career at a time when immigration was rapidly expanding the non-English elements in the population, when, as he said, America had become "the great free colony of humanity, which has not old England alone, but the world, for its mother country."<sup>35</sup> It was not strange that, at such a time, some patriotic citizens should have been anxious about the attitude of these new elements toward the traditional ideals of the American people. This feeling was expressed in various ways, but most unfortunately in the so-called "American" or "Know-Nothing" Party, which advocated a program of discrimination against the foreign-born population. Against this movement, and against any conception of Americanism based on racial origin, Schurz rightly protested, pointing out important contributions which had been made, or might be made, by various elements, "to that collective nationality which is to blend the vital qualities of all nations to one great harmony." He insisted that no true American could afford to maintain a narrowly racial attitude toward the non-English elements in the population; he went further and asserted, again quite rightly, that no man who understood "the true greatness of the Anglo-Saxon race" could take such a stand. Quite naturally he took satisfaction in the solid contributions which had already been made and were to be made in the future by his fellow-citizens of German descent.<sup>36</sup>

On the other hand, Schurz, as a true liberal, never forgot the immense importance of the English inheritance in American civilization and acknowledged it freely. This generous and catholic spirit found admirable expression in his speech on "True Americanism" delivered in Faneuil Hall, Boston, April 18, 1859, which deserves to be more widely known:

"The Anglo-Saxon may justly be proud of the growth and

<sup>34</sup>Schurz, *Reminiscences*, I, 370-371.

<sup>35</sup>Schurz, *Address before the Archean Society* (1853), p. 12.

<sup>36</sup>Schurz, *Ibid.*, 12-14, 37.

development of this country, and if he ascribes most of it to the undaunted spirit of his race, we may not accuse him of overweening self-glorification. No other race, perhaps, possesses in so high a degree not only the daring spirit of independence and enterprise, but at the same time the stubborn steadfastness necessary for the final execution of great designs. The Anglo-Saxon spirit has been the locomotive of progress; but do not forget that the locomotive would be of little use to the world, if it refused to draw its train on the iron highway and carry its valuable freight toward its destination; that train consists of the vigorous elements of all nations; that freight is the vital ideas of our age; that destination is universal freedom and the ideal development of man. That is the true greatness of the Anglo-Saxon race; that ought to be the source of Anglo-Saxon pride."

Finally, all Americans should be grateful to these two distinguished fellow-citizens of German descent for their generous and humane ideals of international society—ideals rejected with brutal and contemptuous cynicism by the military oligarchy of Prussia. Lieber, though a thorough believer in the principle of nationality, was also keenly interested in the advancement of international law. He was not prepared for a permanent court of arbitration; but he strongly urged the settlement of special questions by reference to distinguished jurists, and repeatedly proposed the holding of conferences in which such experts could meet to discuss disputed points. Out of such conferences he hoped there might come an international code which would gradually win respect. In 1872, Lieber declared that he was distinctly and emphatically in favor of "constantly expanding and multiplying international arbitration and reconciliation." He wrote to Charles Sumner in 1861, in the height of the excitement on the Trent affair, urging a peaceful settlement by arbitration, asserting that there "never was a case inherently more fit for high adjudication." He continued: "International law is the greatest blessing of modern civilization, and every settlement of a principle in the law of nations is a distinct, plain step in the progress of humanity." In the same spirit he wrote enthusiastically to Hamilton Fish, then Secretary of State, about the arbitration of the Alabama claims in 1871: "May you all—Americans and English—meet in a spirit which will warm your

hearts, so that all mankind feels a boyish gladness, and calls out at your way of settlement, 'That's jolly!'"<sup>37</sup>

Lieber was equally emphatic in his opposition to the idea of a single Great State claiming to dominate the civilized world. In the later sixties he was thinking chiefly of the second Napoleonic Empire; but it is not difficult to see how his words apply to the present situation: "The great question of this era," he said, "is the co-existence of many of the leading races of nations, united by the same international laws, religion, and civilization, and yet divided as nations. Among the ancients one state always ruled; but we, the Cis-Caucasian race, are becoming more and more united in one great confederation, binding together all nations."<sup>38</sup>

Thirty-four years after Lieber wrote his letter to Sumner urging the arbitration of the Trent affair, Schurz took a similar stand in the Venezuela dispute which again threatened to disturb the friendly relations of Great Britain and the United States. In a notable speech delivered before the Arbitration Conference in Washington, April 22, 1896, he declared that the practicability, as well as the desirability, of international arbitration were now beyond dispute, and that in the great movement for the realization of these ideals the United States ought to be the leader. Especially did he urge the great value of an arbitration treaty between Great Britain and the United States. It would "set to mankind the example of two very great nations, the greatest rivals in the world, neither of them a mere theorist or sentimental dreamer, both intensely practical, self-willed, and hard-headed, deliberately agreeing to abstain from the barbarous ways of bygone times in adjusting the questions of conflicting interest or ambition that may arise between them, and to resort instead in all cases of difficulty to the peaceable and civilized methods suggested by the enlightenment, the moral sense, and the humane spirit of our age." When certain critics of arbitration argued that a young and aspiring people, like the United States, would be hampered in its "freedom of action" by a "binding arbitration treaty," he turned on them with the indignant retort: "What will you think of a man who tells you that he feels hampered in his freedom of action by the ten commandments or by the criminal code?"<sup>39</sup>

<sup>37</sup>Perry, *Life and Letters of Francis Lieber*, 323, 325, 362, 367, 391, 407, 422; Bluntschli's introduction to Lieber's *Miscellaneous Writings*, II, 14.

<sup>38</sup>Letter to Mittermaier, August 26, 1867, in Perry, *Lieber*, 373; cf. letter to Sumner, *Ibid.*, 371.

<sup>39</sup>Schurz, *Speeches, Correspondence, and Political Papers*, V, 260, especially 265, 269, 272.

Schurz's hope of an Anglo-American arbitration treaty was soon fulfilled, and the last letter in his published correspondence, written only a few weeks before his death, expressed the hope that a similar agreement might be reached with Germany.<sup>40</sup> To that government, however, such an international program as that of Schurz still seemed an "idealistic dream" quite outside the scope of its own *Realpolitik*; and his hope of a general arbitration treaty between Germany and the United States was not realized.

Any just view of either Lieber or Schurz must take into account their permanent affection for their native country. When Schurz said of Franz Sigel that "he hoped to find here the realization of the ideals which in the old world had inspired him to fight for nationality and freedom," he expressed for this whole group of exiles, not merely their memory of disappointed hopes, but their continued interest in nationality and freedom for the German people whom they had left behind. When, in 1871, the new German Empire came into being, it seemed to them that these hopes were in some measure realized. National unity was at last achieved, the forms of representative government were embodied in the new imperial constitution, and even so sturdy an opponent of democracy as Bismarck felt obliged to make some concessions to the liberal party.

When Lieber wrote to a German friend in 1871, that the ideas "which William now symbolizes and represents on his entrance into Berlin" were the same as those for which he was himself banished from Germany, rejoicing to think of him as the "revolutionary King or Kaiser" to whom he had looked a few years before as the only hope of national unity,<sup>41</sup> he expressed ideas at which Bismarck would doubtless have smiled somewhat cynically, and which the old Emperor would hardly have understood. All this, however, was a quite natural and sincere expression of the enthusiasm of the hour—an enthusiasm shared by many Americans who remembered their own recent victory over the forces of disunion. It was hardly strange that, in that first flush of victory, the darker aspects of Prussianism, so clearly seen in earlier years, should have been overlooked or forgotten. For the old Hohenzollern tradition as embodied, for instance, in Frederick the Great, Lieber had as little use in 1871 as he had in 1821.

<sup>40</sup>Schurz, *Speeches, Correspondence, and Political Papers*, VI, 441.

<sup>41</sup>Perry, *Life and Letters of Francis Lieber*, 414; letter to Judge Thayer, January 8, 1868; *Ibid.*, 877.

Prussia, he said, still suffered from Frederick's theory of the state. "His mind conceived all conditions in practical life; but of liberty he knew nothing." All this, however, he put away as a bad dream of the past, in his ardent hope for a new Germany in which liberty and justice should prevail.<sup>42</sup>

It was much the same with Schurz. He welcomed the new empire, without abandoning the idealism of 1848. Some of the aims of the Forty-Eighters had been attained; "many others, still more nearly approaching our ideals," would, he believed, be realized in the future.

Yet when, in 1902, Schurz spoke at the services held in memory of his old "brother in arms," Franz Sigel, he evidently felt the growth of a new spirit in Germany at variance with the old idealism. He referred then to "a sad degeneracy of sentiment which of late has accustomed itself scornfully to scoff at that period of the 'springtime of peoples,' as it was then justly called."<sup>43</sup>

It is indeed true that the military achievements and the material prosperity of the new German Empire brought with them a deadening of the old enthusiasm for liberty which had inspired the German youth of the 'twenties and 'forties. The testimony on this point comes from many sources. As early as 1881, George Brandes, perhaps the most conspicuously neutral and cosmopolitan personage among the "intellectuals" of the present day, wrote his prophetic *Foreboding*, in which he declared that, with "few and doubtful exceptions, the intellectuals of the younger generation are all reactionary. Political freethinkers are found only among men of sixty or over. . . . Politically, the young are old, and only the old are young. The lover of liberty, in the English sense, is to be found in Germany only among men of a generation which, within ten years, will have disappeared."<sup>44</sup>

Eight years later this, according to Brandes, had already come to pass. The high minded and liberal Emperor Frederick seemed to him to represent not only "real humanity but the real German spirit," and with his death "the last representative of a humane Germany disappeared. A national Germany, only, is now left." The distinguished Danish critic goes on to say that "not liberty, but order and might is the motto of new Germany. And the days

<sup>42</sup>Perry, *Life and Letters of Francis Lieber*, 415. Note the reference in this letter to Holtzendorff (September 2, 1871, "The Day of Sedan") to "the impossibility of publishing my 'Humboldt' at present in Germany."

<sup>43</sup>Schurz, *Speeches, Correspondence, and Political Papers*, VI, 296-298.

<sup>44</sup>Brandes, *The World at War* (translated by C. D. Groth), 1-3.

in store for Europe may be expressed in the words of the song in Vaulundur's Saga: '*Hard days, sword days, death days.*'"<sup>45</sup>

In the great conflict of ideals in which the whole world is now involved, the spiritual heirs of Schurz and the other high-spirited youth of 1848 are surely not to be found among the champions and apologists of the Prussian military class, in such sinister figures as those which have gathered in recent years about the Emperor and the Crown Prince. Their true kinship is rather with those who mean to make this war no mere victory of one nation, or group of nations, over another, but a victory for freedom everywhere, and for a real society of nations. This is the standard about which America is today calling her people; and, without distinction of race or ancestry, they are answering the call, ready to give their "last full measure of devotion."

<sup>44</sup> Brandes, *The World at War*, 4-7.

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